

GOVERNMENT EXHIBIT



EXHIBIT A



AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

Before the undersigned magistrate, in and for the County of Fairfax, Commonwealth of Virginia came this 15th day of August, **Detective R. E. Betts** of the Fairfax County Police Department, hereafter referred to as "Your Affiant". Your Affiant hereby swears and affirms that the information contained in this affidavit is true and correct to the best of his knowledge and belief.

Your Affiant is a duly appointed sworn police officer with the Fairfax County Police Department (FCPD), and has been as such since December 1999. Since 2007, Your Affiant has been assigned to the Gang Investigations Unit (GIU) which focuses on violent gangs operating in Fairfax County, Virginia. Your Affiant is also a deputized Task Force Officer with the Federal Bureau of Investigation (FBI) since 2009 and is assigned to a squad that investigates Criminal Enterprises and Violent Gangs for the Washington Field Office, Northern Virginia Resident Agency. Prior to joining the FCPD in 1999, Your Affiant attended Radford University earning a Bachelor of Science degree in Criminal Justice.

Your Affiant has received specialized training in the areas of search and seizure, search warrant preparation, and the gang/drug subculture throughout the 15 years with the police department. Your Affiant has participated in major criminal investigations related to gang/drug activity, including assault, destruction of property, firearm offenses, malicious wounding, narcotics trafficking, homicide, and numerous other criminal violations under state and federal law.

Your Affiant has conducted physical surveillance, interviewed informants and cooperating witnesses, prepared and executed search warrants and arrest warrants (both state and federal), analyzed phone and internet records, conducted court-authorized electronic surveillance, and participated in the arrest of gang members and drug traffickers. Through these investigations, Your Affiant has become knowledgeable about the enforcement of state and federal laws pertaining to gang/drug activities and racketeering enterprises. These criminal investigations have led to convictions in the Circuit Court, General District Court, and Juvenile Courts of Fairfax County, as well as the United States District Court for the Eastern District Court of Virginia.

Your Affiant is requesting a search warrant in relation to Section 18.2-255.2, Code of Virginia of 1950, as amended, to wit: Possession with the Intent to Distribute Marijuana within a School Zone.

Your Affiant is requesting a search warrant for a cell phone found in possession of Ernesto Manuel Paiz Guevara aka Solitario. The cell phone is described as a CricKet cell phone, gray in color, Model #N8000, with MEID HEX# A0000037497153. Said phone is currently in the custody of the Fairfax County Police Department's property section after have been seized as evidence on May 15, 2014 at the time of Paiz Guevaras' extradition back to Fairfax County.

Your Affiant bases the request for a search warrant on the following material which constitutes probable cause. All information contained in this Search Warrant Affidavit is information which has either been spoken directly to Your Affiant or

information obtained by a Law Enforcement Official and relayed directly to Your Affiant.

On April 23, 2014, Your Affiant was in the area of 6024 Vista Dr, Falls Church (Fairfax County), VA, when Paiz Guevara was observed with 3 other known Mara Salvatrucha 13 member/associates. Your Affiant elected to conduct a consensual encounter with the group. Paiz Guevara was the second subject Your Affiant spoke to while dealing with the group. Your Affiant observed Paiz Guevara keeping his left arm suspiciously close to his left side as he walked towards me. Your Affiant also noticed a bulge in his left, sweatshirt pocket. Your Affiant believed Paiz Guevara to be armed with a weapon, so a Pat Down of the aforementioned area was conducted. As Your Affiant patted the area, Your Affiant felt hard lumpy objects, and heard the sound of plastic. Your Affiant immediately knew the item to be narcotics, and 7 jewelers' baggies containing marijuana was found inside a larger plastic ziplock baggie. The items were seized from Paiz Guevara's person. Paiz Guevara was informed that he would need to meet with Your Affiant at a later time for charging purposes. Paiz Guevara agreed, and was released on this date.

The narcotics were weighed, and field tested positive for marijuana. Your Affiant then packaged the items and met with a Fairfax County Magistrate to obtain an arrest warrant for Possession with the Intent to Distribute Marijuana within a School Zone due to the close proximity of school bus stops, and Bailey's Elementary School. The warrant was entered by the Warrant Desk. Paiz Guevara fled to Kansas City, MO, and was subsequently arrested at a later time. He was brought to the Jackson County Detention

Center in Kansas City, MO, and on May 15, 2014, Your Affiant (accompanied with Detective R. Allen with the Fugitive Task Force and Detective T. Heiden) picked up Paiz Guevara and extradited him back to Fairfax County, VA. Prior to leaving the detention center, Paiz Guevaras' possessions were turned over to Your Affiant. The aforementioned cell phone was one of the items, and it was determined that Paiz Guevara was in possession of said cell phone at the time of his arrest.

with those that are involved in this business, it is a known fact that drug dealers within these groups conspire and confederate to commit criminal actions with other members of their conspiracies. These members are also known to produce photographic images of their relationship with other distributors as well as documentary evidence in the form of telephone lists of clients and associates. In addition, it is Your Affiant's experience that drug dealers frequently utilize their cell phones to send text messages about criminal activity as opposed to talking on the phone due to their belief that law enforcement can not intercept such transmissions. This information would assist this investigation by confirming the subject's relationship and participation in the drug distribution business, and their criminal activities specifically related to the aforementioned violation of Section 18.2-255.2, Code of Virginia of 1950, as amended, to wit: Possession with the Intent to Distribute Marijuana within a School Zone.

Based on the aforementioned facts and evidence, Your Affiant believes that there is evidence related to Section 18.2-255.2, Code of Virginia of 1950, as amended, to wit: Possession with the Intent to Distribute Marijuana within a School Zone

located within the listed cell phone previously found in Ernesto Manuel Paiz Guevaras' possession at his arrest, and Your Affiant respectfully requests a search warrant be issued for the aforementioned described cell phone, as well as any related flash media, SIM card, or other media which is capable of storing magnetic, optical, and/or binary coding. Your Affiant further requests the search warrant include all electronic recordings including but not limited to photographs or video, voice recordings, text messages, call history, address books, account information, identifying numbers assigned to the device, email correspondence saved to the device, voice mails saved to the device, instant messages saved to the device, internet history or related web sites, notes, documents, backups, file systems, and the defeating of any electronic locks or internal safe guards designed to prevent any unauthorized user from accessing the electronic records. It is further-requested that permission be granted for the electronic device to be examined in it's entirety by the Fairfax County Police Department's Computer Forensics Unit, or other designate, to examine, capture, and produce any information contained within relative to criminal activity as referenced to the aforementioned facts.

Detective R. E. Betts, Affiant

Subscribed and sworn before me this 15th day of August, 2014

8/15/2014 11/0

Magistrate

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EXHIBIT B



Case 1:14-cr-00306-LO- Document 548-2- Filed 10/15/15 Page 10 of 18 PageID# 3024 Incident Report

Case Number: 2014-1130210

FAIRFAX COUNTY POLICE DEPARTMENT

Date Approved: 04/29/2014

forma	tio	1										
On 🗹 Date/Time Date							Officer					EIN
Betwee	en 🔲	04/23	/2014 16:53 WED	04/23/2	2014 16:5	3 WED	The state of the state of					
							Supe	ervising O	fficer	Е		Date /29/2014
OR PATROI	_		Patrol 411				Sub 516.	.03				
EST							ΞD					
Weather and Light Conditions CLEAR/DAYLIGHT									53 Arrive	d: 16:53	Cleare	d: 16:53
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				В	Bias Target							
				Н	late Group							
			Location Type APARTMENT/CO	NDO								
nt												
Seq.#							1	Race	Sex	DOI	3	Age
	Sar	ne as v	ictim# 1									
						H	lome	Phone		Cell Pho	one	
ess									1	Busines	s Phone	
	On Between Company Com	On Between D OR PATROL EST Inditions T ANA POSSESS V ARIJUANA POSS Inputers Used I Seq.# Nan Sar Sar	Between 04/23/ OR PATROL EST Inditions T ANA POSSESS W/INT I ARIJUANA POSSESS W ARIJUANA POSSESS W Exit Seq. # Name (Last Same as v	On	On Date/Time 04/23/2014 16:53 WED 04/23/2014 16:53	Date/Time O4/23/2014 16:53 WED O4/23/2014 16:55	On Date/Time O4/23/2014 16:53 WED O4/23/2014 16:53 WED Patrol 411 Case Status CLOSED/CLEARI CLOSED/CLEARI GLOSED/CLEARI GLOSED	On	On On Onte/Time O4/23/2014 16:53 WED O4/23	On On On On On On On On	On	On Date/Time 04/23/2014 16:53 WED 04/23/2014 16:53 Sub 516.03 SET

at 10/1/2014 19:58 Page 1 of 7 Printed by:

Case 1:14-cr-00306-LO Document 548-2 Filed 10/15/15 Page 11 of 18 Page D# 3025 Incident Report

Case Number: 2014-1130210

FAIRFAX COUNTY POLICE DEPARTMENT

Date Approved: 04/29/2014

Victi	ims													
Seq.#	req.# Type Residency 1 SOCIETY/ PUBLIC Resident													
	ost, First, N ON WEA	M) LTH OF V	/A		E 1011			Race UNK	NOWN	Sex UNKNOWN	DO	В	Age	
Address									Iome Pho	one	Cel	ll Phone		
Employe	er Name/Ac	ldress									Bus	siness Phon	e	
Victim o	f Events	,		Justifiable Homicide	Circumsta	nces Homi	cide/Agg Assa	ault						
Injuries None														
Type of	Assignmen	t		Type of Activit	ty			Bod	y Armor					
Offe	nder					数								
Seq. #	Arrest No 2014018		Type INDI	VIDUAL		The state of the s	ust, First, M) UEVARA, E	M) A, ERNESTO MANUEL						
Race WHITE		Sex MALE		1995	Age 19	Height 5'05" - 5'06"		'eight 15 - 12		Hair BLACK		Eye BROWN		
AKA														
Address								Н	ome Pho	ne	Cel	l Phone		
Employe	r Name/Ad	ldress			6.1			0	ccupatio	n	Bus	siness Phon	е	
NOVAR				et ser		199	SSN							
			disting	uishing features										
Physical	Character	istics												
Suspect 1	Details				ä									

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Case 1:14-cr-00306-LO Document 548-2 Filed 10/15/15 Page 12 of 18 Page D# 3026 Incident Report

Case Number: 2014-1130210

FAIRFAX COUNTY POLICE DEPARTMENT

Date Approved: 04/29/2014

Other	Per	sons In	volved									
NAMES OF TAXABLE PARTY OF TAXABLE PARTY.	Гуре NDIVII	OUAL	-		Name(Last, First, M) LEMUS CERNA, CHRISTIAN JOSUE JUVENILE							
Race WHITE		Sex MALE	DOB 996	Age	17	Height 5'06"		Weigh 13	t 35 lbs	Hair BLACK		Eye BROWN
AKA			935									
Address	(Shark)								Home P	hone	Cel	ll Phone
Employer ?	Name/Ad	dress						17,000	Occupa	tion	Bu	siness Phone
NOVARIS	#						SSN					
Scars, Mar	ks, Tatto	os or other dis	tinguishing features									
Physical Cl	haracteri	stics					3,			1 KOA		
	<mark>Fype</mark> INDIVII	DUAL				(Last, First, TIAGO VII		VA, AR	AELY J	UVENILE		
Race WHITE		Sex MALE	1996	Age	17	Height 5'04"		Weigh		Hair BLACK		Eye BROWN
AKA REAL NA	ME: VI	LLANUEVA,	ARAELY	i								
Address								i alle	Home P	hone	Cel	ll Phone
Employer I JEB STUA			301 PEACE VALI	LEY L	ANE				Occupa STUDI			siness Phone 03) 824-3900
NOVARIS							SSN					
Scars, Mar	ks, Tatto	os or other dis	tinguishing features									
Physical Cl	haracteri	stics										

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Case 1:14-cr-00306-LO Document 548-2 Filed 10/15/15 Page 13 of 18 PageID# 3027 Incident Report

Case Number: 2014-1130210

FAIRFAX COUNTY POLICE DEPARTMENT

Date Approved: 04/29/2014

Other Persons Involved										
Seq.# Type INDIVIDUAL			Name(Last, First,	, M)			JUVENILE		
Race Sex DOB WHITE MALE	998	Age	15	Height 5'02"		Weight 120	lbs	Hair BROWN		Eye BROWN
AKA										
Address	MICH	(P) (-10)					Home	Phone	Cell	l Phone
Employer Name/Address							Оссиј	pation	Bus	siness Phone
NOVARIS#		16/11			SSN					
Scars, Marks, Tattoos or other distinguishing fe	atures									
Physical Characteristics										
Related Name Relations	ship)S								
COMMON WEALTH OF VA	is		ELATIONSHIP UNKNOWN to			• P	AIZ GUEVARA,	ERNES	STO MANUEL	
Property										
Item - 826814 MARIJUANA					Description 7 SMALL 1	BAGGI	ES OI	F GREEN LEAFY	Y SUBS	STANCE
Quantity Units of Measure 3.00 GRAM		Valu \$1.0		1	Recovery Da	ate	Telety	rpe No		
Status SEIZED - DRUGS				Jurisdict	tion Stolen/I	Recovere	d			
Item - 831710 OTHER					Description CRICKET	CELL F	HON	E IN BLUE CAS	E	
Quantity Units of Measure 1.00		\$1.0		1	Recovery D a 05/15/2014	1		rpe No		
Status EVIDENCE				Jurisdict	tion Stolen/I	Recover	d			

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Case Number: 2014-1130210

FAIRFAX COUNTY POLICE DEPARTMENT

Date Approved: 04/29/2014

Narrative

GIU2231-Investigation

While in the listed area, I observed 4 subjects outside of Vista Dr. I recognized one of them as Christian Lemus, and had previously stopped him back in January of this year on a subject stop. He was found in possession of cocaine and marijuana on that date (see Case # 2014-0100185), and had been observed selling narcotics to students getting off the school bus in the afternoon. I approached the group on this day, as Special Agent (SA-FBI) along with Intelligence Analyst (IA) acted as my cover officers. I was in a plain clothes capacity, with my badge of authority displayed on my belt. I first spoke to Lemus and inquired if he was in possession of any narcotics on this day. He denied that he was, and consented to a 'pat down' of his person. The pat down yielded negative results. I then advised Lemus that I was done with him and he could leave the area if he wished. Lemus elected to walk away.

Next, I observed one subject that appeared to be keeping his arms/hands tight to his waist area in a manner to conceal something, or to keep something from falling out of his clothing. Due to the recent shooting, stabbings, and other malicious woundings in the area, and the mannerisms the subject displayed, I conducted a pat down of the outer area of the subject's front stomach area. I patted the front, left side pocket of the subject's sweatshirt first because it was potruding out slightly more than the right side pocket, and I felt a lumpy substance, and heard the noise of a plastic baggie. Through my training and experience, I immediately knew the object to be narcotic contraband consistent with how narcotics are packaged. I reached into the pocket and removed a ziplock baggie containing 7 individually wrapped baggies of a green leafy substance that eminated with the odor consistent with Marijuana. I obtain the subject's information, and advised him that I would be allowing him to go home today, but that I will be obtaining a warrant at a later time. The subject was photographed and released, as was the final two subjects. I was familiar with all four subjects, and knew them to be MS13 associates/members.

I conducted a field test of the marijuana and it tested positive. On April 25, 2014, I obtained a Felony warrant for PWID within 1000 feet of the school on Ernesto Manuel Paiz Guevarra. An attempt for service was made in the evening of April 25th, but detectives were told that Paiz Guevarra does not reside there any longer. The warrant was turned over to the warrant desk and entered into the system.

The marijuana was packaged and placed in the designated after hour lockers.

Case held Inactive-Warrant on File

Completed Forms

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Case Number: 2014-1130210

FAIRFAX COUNTY POLICE DEPARTMENT

Date Approved: 05/27/2014

Supplement I	nforma	ation -	Officer :	Supp	lement			
Supplement Date 05/21/2014 12:52:47	On ☑ Between □				me 2014 16:53 WED	Supplement Officer		EIN
Incident Location						Supervising Officer	EIN	Date
Organization DEPUTY CHIEF FOR P.	ATROL	Patr 411				Sub 516.03		
Disposition CLOSED BY ARREST					Case Status CLOSED/CLEAR	ED		
Weather and Light Condition CLEAR/DAYLIGHT	ons				Case Closed ☐ Juvenile ☑ Adult	Time Received: 16:53 Arrived: 16:53 Cleared: 16:5		
Nature of Case DRUGS - MARIJUANA	POSSESS V	V/INT DIST						
Supplement N	Notes							
On 05/15/14 Ernesto Paiz bicked Mr. Paiz Guevara (ransported him back to Fa this point Detective	and Douglas iirfax Count	Cerritos Du y. When we	ran) up at the arrived back in	Jackson (Fairfax (County Detention County both subject	s where transported to th		

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Incident Report

Case Number: 2014-1130210

FAIRFAX COUNTY POLICE DEPARTMENT

Date Approved: 07/11/2014

Supplement I	nforma	ation - Investig	ator	Supplemen	t		
Supplement Date	On 🗹	Date/Time	Date/Tir	ne	Supplement Officer		EIN
05/22/2014 16:06:41	Between 🔲	04/23/2014 16:53 WED	04/23/2	2014 16:53 WED			
Incident Location	o attended				Supervising Officer	EIN	Date
						303547 0	07/11/2014
Organization DEPUTY CHIEF FOR P	ATROL	Patrol 411			Sub 516.03		
Disposition CLOSED BY ARREST		- L *		Case Status CLOSED/CLEARE	ED		
Weather and Light Condition CLEAR/DAYLIGHT	ons			Case Closed ☐ Juvenile ☑ Adult	Time Received: 16:53 Arrive	ed: 16:53 Clear	red: 16:53
Nature of Case DRUGS - MARIJUANA	POSSESS V	V/INT DIST					
Supplement N	Notes						
GIU2231-Investigation On 5/15/14, Detective					1 to		
	tes a little ov	sat down with him for an in er 2 yrs ago after his mom	paid a co	yote to bring him acr	oss the border. Paiz Gu	ievara was cau	
		a program since he was a j fax County. He was enrolle			the program in Californ but was expelled. He is		a progam at
the company, or the name	of his boss.	loyment, and he advised the He then changed his story a ned us that he used to work	and said t	that he went to Kansa			
Contract of the Contract of th		n before questioning him ab				en a la frence	ties he

refused to be honest. I explained to him that if he wanted to talk, I need him to be honest. At that point, Paiz Guevara said he would rather not

talk at the moment. Although, he did not ask for a lawyer, I elected to end the interview.

Case Closed by Arrest.

at 10/1/2014 19:58 Page 7 of 7 Printed by:

Case 1:14-cr-00306-LO Document 548-2 Filed 10/15/15 Page 17 of 18 Page 1D# 3031 1 Yes 1 Yes ARREST REPORT 2 No No No 3a.ARREST# 4 SFX 2 AGENCY NAME 3b CASE# 1 ORI# 2014018734 2014-1130210 VA0290100 Fairfax County Police Department 5 LAST, FIRST, MIDDLE NAME 6 ALIAS AKA Paiz Guevara, Ernesto Manuel 11 EYE 12 HAIR 1 SCARS 2 MARKS ∃ TATTOOS 4 AMPUTATIONS BRO BLK 5'05-5'06 115-120 DENTIFICATION 16 SSN 17 DATE OF BIRTH 18 AGE 19 MISCELLANEOUS ID # 15 PLACE OF BIRTH (CITY, COUNTY, STATE) El Salvador 995 19 22 DL# 23 ST 20 SID # 21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCDV SUB-SECONDARY FINAL HENRY CLASS 24 FBI # NCIC CLASS 26 RESIDENT 27 HOME ADDRESS (STREET, CITY, STATE, ZIP) 28 RESIDENCE PHONE 29 OCCUPATION (BE SPECIFIC) NON-RESIDENT 30 EMPLOYER (NAME OF COMPANY/SCHOOL) BUSINESS ADDRESS (STREET, CITY, STATE, ZIP) 32 BUSINESS PHONE 33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) 34 SECTOR # 35 ARRESTED FOR YOUR JURISDICTION? ☐ YES ☐ NO IN STATE 2 OUT STAT 4110 Chain Bridge Rd Fairfax, Va 22030 36 CONDITION OF 37 RESIST ARREST? 38 INJURIES? 1 NONE 39 ARMED? 40 DESCRIPTION OF WEAPON 1 DRUNK 3 SOBER ARRESTEE: 2 DRINKING 4 DRUGS 1 YES 2 NO 2 OFFICER 3 ARRESTEE 1 Y N 45 ARRESTED BEFORE? 1 YES 2 NO UNKNOWN 44 TYPE ARREST TAKEN INTO 41 DATE OF ARREST 42 TIME OF ARREST 43 DAY OF ARREST S M T W F S 1 1. AM 2 2. PM 05/15/2014 21:02 CUSTODY 46 charge-1 FEL 2 MISD Drug Sale On,near 50 STATE CODE/LOCAL ORD. 51 WARRANT # DISPOSITION 52 DATE ISSUED 47 UCR CODE 35A 18.2-255.2 209066S Guilty 48 CHARGE-2 49 UCR CODE 53 STATE CODE/LOCAL ORD 54 WARRANT # 55 DATE ISSUED 1 FEL DISPOSITION 61 WARRANT # 62 DATE ISSUED 56 CHARGE-3 57 UCR CODE 60 STATE CODE/LOCAL ORD DISPOSITION 1 FEL 2 MISD 59 UCR CODE 64 WARRANT # 65 DATE ISSUED 58 CHARGE-4 63 STATE CODE/LOCAL ORD. DISPOSITION 1 FEL 2 MISD 68 ARRESTED WITH (1) ACCOMPLICE (FULL NAME) ⁶⁶ ARREST DISPOSITION 69 ARRESTED WITH (2) ACCOMPLICE (FULL NAME) Cleared By Arrest 70 VYR 71 VMA 72 VMO 73 VST 74 VCO 75 TAG # TOP ROTTOM 79 IMPOUNDED? 80 STORAGE LOCATION/MPOUND # 1 YES 2 NO VEHICLE RELATED TO: 81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED CONTINUED IN NARRATIVE 1 HANDLED AND RELEASED 3 REF. TO WELFARE AGENCY 5 REF. TO ADULT COURT 83 RELEASED TO 2 REF. TO JUVENILE COURT 84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME) 85 ADDRESS (STREET, CITY, STATE, ZIP) 86 PHONE 89 ADDRESS (STREET, CITY, STATE, ZIP) 90 PHONE 87 PARENTS EMPLOYER 88 OCCUPATION 94 ID# 91 DATE AND TIME OF RELEASE 92 RELEASING OFFICER NAME 93 AGENCY/DIVISION 1 AM 3 MIL 2 PM 95 RELEASED TO 97 AGENCY ADDRESS 96 AGENCY/DIVISION 98 PERSONAL PROPERTY RELEASED TO ARRESTEE 99 PROPERTY NOT RELEASED/HELD AT: 100 PROPERTY # 3 PARTIAL 2 NO 101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE) LOCAL USE 102 SIGNATURE OF RECEIVING OFFICER STATE USE 103 SIGNATURE OF RELEASING OFFICER 108 CASE # 110 ADDITIONAL CASES CLOS NARRATIVE 104 CASE # 105 SFX 106 CASE # 107 SFX 109 SFX MULTIPLE CLOSED 112 ID# 111 ARRESTING OFFICER (LAST, FIRST, M.) 114 ID# 115 SUPERVISOR 116 WATCH CMDR. 113 ARRESTING OFFICER (LAST, FIRST, M.)

-Case-1:14-cr-90306-L-O Document-548-2 Filed-10/15/15 Page-18 of 18 Pagel D#-3032-

ADDITIONAL ARREST	117 DATE AND TIME OF ARREST 05/15/2014	21:02	1 AM 2 PM 2 MIL	118a CASE# 2014-1130210	119 SFX
NARRATIVE CONTINUED	= 1			118b.arrest # 2014018734	

ADDITIONAL ARREST INFORMATION